

3731

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Russell David Waters

Serial No.: 10/070,272 Art Unit: 3731  
Filed: March 1, 2002 Examiner: Glenn K. Dawson  
For: APPARATUS FOR APPLYING SURGICAL FASTENERS  
Docket No.: 16-124

**MS NON-FEE AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for approval by examiner for this application.

**STATUS**

2. Applicant is  
XXX a small entity  
\_\_\_\_\_ other than a small entity.

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**CERTIFICATE OF MAILING (37 CFR 1.8a)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, **MAIL STOP NON-FEE AMENDMENT**, P.O. Box 1450, Alexandria, VA 22313-1450".

Laura McLellan  
(Type or print name of person mailing paper)

Date: September 6, 2005

*Laura R. McLellan*  
(Signature of person mailing paper)

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## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37CFR 1.136 apply.

(complete (a) or (b) as applicable)

(a) Applicant petitions for an extension of time for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
_____ one month	\$ 110.00	\$ 55.00
_____ two months	410.00	205.00
_____ three months	930.00	465.00
_____ four months	1,450.00	7250.00
		Fee \$ _____ 00.0

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

\_\_\_\_\_ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_ 0.00

OR

(b)   X   Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	Small Entity		Other than a Small Entity	
Claims Remaining After Amendment	Highest No. Previously Paid for	Present EXTRA	Rate	Addit. Fee	Rate	Addit. Fee
TOTAL	MINUS	=	x	11 = \$	x	18 = \$
INDEP.	MINUS	=	x	44 = \$	x	88 = \$
First Presentation of Multiple Dep. Claim		x	125 = \$	x	250 = \$	
		Total	\$	or Total	\$	

\* If the Highest No. Previously Paid for in this space is less than 20, enter "20".

\*\* If the Highest No. Previously Paid for in this space is less than 3, enter "3".

(c)   XXX   No additional fee is required

OR

(d) Total additional fee required \$ \_\_\_\_\_

**FEE PAYMENT**

5. Attached is a check in the sum of \$ \_\_\_\_\_  
Charge Account No. 23-0630 in the sum of \$ \_\_\_\_\_

**Fee Deficiency**

6. XXX If any additional extension and/or fee is required, this is the request therefor and to charge Account No. 23-0630

And/Or

XXX If any additional fee for claims is required, charge Account No. 23-0630.

Reg. No.: 56,480

  
\_\_\_\_\_  
Signature of Attorney

Tel. No.: (216) 241-6700

Fax No.: (216) 241-8151

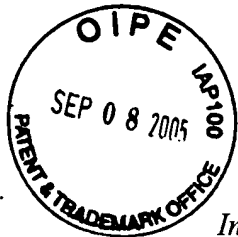
John A. Yirga

\_\_\_\_\_  
Type or Print Name of Attorney

**WATTS HOFFMANN CO., L.P.A.**

**P.O. Box 99839**

**Cleveland, OH 44199-0839**



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*In re* application of: Russell David Waters  
Serial No.: 10/070,272  
Filed: March 1, 2002  
Title: APPARATUS FOR APPLYING SURGICAL  
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Docket No.: 16-124  
Art Unit: 3731  
Examiner: Dawson, Glenn K.

WATTS HOFFMANN CO., L.P.A.  
1100 Superior Avenue, Suite 1750  
Cleveland, OH 4414-2518

**MS NO FEE AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper is being deposited  
today with the U.S. Postal Service as 1st Class  
Mail addressed to the Assistant Commissioner  
for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450

on September 6, 2005  
By: Sandra K. McElhan

Amendment

Dear Sir:

Responsive to the Office Action having a mailing date of August 24, 2005, please  
consider the amendment and remarks set forth below.